



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/962,315 10/31/97 HOUSE

G 067183-0157

FOLEY & LARDNER
WASHINGTON HARBOUR
3000 K STREET NW SUITE 500
P O BOX 25696
WASHINGTON DC 20007-8696

WM02/1220

EXAMINER

ANLS

ART UNIT

PAPER NUMBER

2613

DATE MAILED:

12/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/962,315

Applicant(s)

Gregory House

Examiner

Shawn An

Group Art Unit

2613

☒ Responsive to communication(s) filed on Oct 26, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 2, 3, and 5-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 2, 3, and 5-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2613

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 10/26/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/962,315 is acceptable and a CPA has been established. An action on the CPA follows.

Response to Amendment

2. As per Applicant's instruction in Paper 13 as filed on 10/26/00, claims 2-3 and 5-10 have been amended.

Response to Arguments

3. Applicant's arguments with respect to amended claims 2-3 and 5-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Art Unit: 2613

5. Claims 2-3 and 5-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kakinami et al (5,892,855).

Kakinami et al discloses a 3-D structure estimation apparatus which measures a depth distance to an object, comprising: a plurality of cameras (Fig. 1a, 26b and 16b) for producing images of the objects from different angles (Fig. 5; Col. 3, lines 45-52) and having different resolutions (Fig. 4b) from each other; conversion means (Figs. 9 and 10; C6-C8 and D1-D4), for converting the images outputted from the cameras into images whose pixel units are equal in magnitude (All corrected pixels are converted to equal polar coordinates as explained in Col. 18, lines 18-60); and a depth image production section (Fig. 7, CPU 11) for comparing the images whose pixel units are equal in magnitude to calculate a depth distance to the object on the image to produce a depth image and outputting the depth image (Col. 34, lines 41-60) as specified in claims 2-3 and 5-10.


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A) Ochi et al (5,764,285), Imaging apparatus having area sensor and line sensor.
- B) Holeva (5,365,597), Apparatus for passive autoranging using relaxation.
- C) Lewis (4,028,725), High resolution vision system.

Art Unit: 2613

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number is (703) 305-0099.


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600


ssa

December 7, 2000